

**RESOLUTION NO. 13-62**

**A RESOLUTION CONCERNING THE COMMENCEMENT OF FORMAL RENEWAL  
PROCEEDINGS UNDER THE FEDERAL CABLE  
COMMUNICATIONS POLICY ACT OF 1984, AS AMENDED**

**WHEREAS**, the City of Coon Rapids enacted an ordinance and entered into a cable television franchise agreement (collectively, the “Franchise”) with MediaOne North Central Communications Corp., which became effective August 1, 2000, to provide cable television service within the territorial limits of the City; and

**WHEREAS**, as a result of several transfers of the Franchise, Comcast of Minnesota, Inc. (“Comcast”) currently holds the Franchise; and

**WHEREAS**, Section 626(a)(1) of the Cable Communications Policy Act of 1984, as amended (the “Cable Act”), 47 U.S.C. § 546(a)(1), provides that if a written renewal request is submitted by a cable operator during the 6-month period which begins with the 36th month before franchise expiration and ends with the 30th month prior to franchise expiration, a franchising authority shall, within six months of the request, commence formal renewal proceedings to identify the future cable-related community needs and interests, and to review the performance of the cable operator under its franchise during the then current franchise term; and

**WHEREAS**, the Franchise is scheduled to expire on or about August 1, 2015, unless sooner terminated or extended; and

**WHEREAS**, by letter dated January 9, 2013, from Comcast to the City, Comcast invoked the formal renewal procedures set forth in Section 626 of the Cable Act, 47 U.S.C. § 546; and

**WHEREAS**, the City is desirous of commencing the formal renewal proceedings specified in Section 626(a)(1) of the Cable Act, 47 U.S.C. § 546(a)(1) and, at the same time, of pursuing

the informal renewal process with Comcast pursuant to Section 626(h) of the Cable Act, 47 U.S.C. § 546(h); and

**WHEREAS**, the City must provide the public with notice of, and an opportunity to participate in, formal renewal proceedings under Section 626(a) of the Cable Act; and

**WHEREAS**, formal Section 626(a) proceedings and the informal franchise renewal process may involve, among other things: (i) the collection and analysis of information from Comcast (and its affiliates and subsidiaries), City agencies and departments, the public and other interested parties, and may require one or more public hearings; (ii) an evaluation of Comcast's past performance under the Franchise and applicable laws and regulations, and the issuance of notices of violation, as appropriate; (iii) the retention of consultants; (iv) the preparation of reports, findings and conclusions related to Comcast's past performance under the Franchise and the community's present and future cable-related needs and interests; (v) the preparation and issuance of a Request for Renewal Proposal and associated documents; and (vi) negotiations with Comcast; and

**WHEREAS**, the City wishes that the formal proceedings under Section 626(a) of the Cable Act and the informal renewal process under Section 626(h) be managed and conducted by the City Manager, the City Attorney, the Assistant City Manager, the CTN Production Manager and/or their designee(s); and

**WHEREAS**, the City intends to authorize the City Manager, the City Attorney, the Assistant City Manager, the CTN Production Manager and/or their designee(s) to take any and all steps required or desired to comply with the requirements of the Cable Act, Minnesota law, the Franchise and other applicable laws, regulations, orders and decisions.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the Coon Rapids,

Minnesota, that:

Section 1. The City hereby commences formal franchise renewal ascertainment and past performance proceedings under Section 626(a)(1) of the Cable Act, 47 U.S.C. § 546(a)(1), concerning Comcast and the Franchise.

Section 2. The City Manager, the City Attorney, the Assistant City Manager, the CTN Production Manager and/or their designee(s) are authorized to manage and conduct Franchise renewal proceedings in accordance with Section 626(a)(1) of the Cable Act, 47 U.S.C. § 546(a)(1), and to take all steps and actions necessary or desired to conduct such proceedings and to comply with applicable laws, regulations, orders and decisions, including (but not limited to) assessing the community's present and future cable-related needs and interests, evaluating Comcast past performance under the Franchise and applicable laws and regulations, retaining consultants and attorneys and preparing and issuing a Request for Renewal Proposal and related documents, such as a staff report and a model franchise agreement/ordinance.

Section 3. The City Council, City Manager, the City Attorney, the Assistant City Manager, the CTN Production manager, and/or their designee(s) may conduct such hearings, surveys, focus groups, interviews, investigations and meetings they deem appropriate to assess community cable-related needs and interests, evaluate Comcast's past performance and financial, technical and legal qualifications, and enable the public an opportunity to participate in formal Franchise renewal proceedings conducted under Section 626(a)(1) of the Cable Act, 47 U.S.C. § 546(a)(1). The City Council, the City Manager, the City Attorney, the Assistant City Manager, the CTN Production Manager, and/or their designee(s) shall provide the public with notice of, and an opportunity to participate in, any public hearings or public meetings conducted pursuant to Section 626(a)(1).

Section 4. The City Manager, the City Attorney, the Assistant City Manager, the CTN Production Manager, and/or their designee(s) may explore with Comcast the possibility of pursuing the informal renewal process under Section 626(h) of the Cable Act, 47 U.S.C. § 546(h). If the City and Comcast decide to utilize the informal renewal process, the City Manager, the City Attorney, the Assistant City Manager, the CTN Production Manager, and/or their designee(s) are authorized to perform past performance and needs assessment reviews, to prepare informal Franchise renewal proposals and renewal Franchise documents; to evaluate informal Franchise renewal proposals from Comcast, to negotiate and communicate with Comcast concerning matters relating to the renewal and/or extension of the Franchise, to retain consultants and attorneys, and to take all other steps and actions necessary or desired to engage in the informal renewal process and/or to comply with applicable laws, regulations, orders and decisions. The City will provide adequate public notice of and an opportunity to comment on any informal Franchise renewal proposal(s) submitted by Comcast before taking any final action on such proposal(s).

Section 5. The City Council, City Manager, the City Attorney, the Assistant City Manager, the CTN Production Manager, and/or their designee(s) may establish procedures and

dates for the conduct of any hearings, meetings, surveys, focus groups, interviews and investigations related to the Section 626(a) proceedings or the informal franchise renewal process and may establish procedures and dates for the submission of testimony and other information in connection with such proceedings and the informal franchise renewal process.

Section 6. The City Manager, the City Attorney, the Assistant City Manager, the CTN Production Manager, and/or their designee(s) are authorized to request and require Comcast and its affiliates and subsidiaries to submit such information as may be deemed necessary or appropriate in connection with the Section 626(a) proceedings or the informal renewal process under Section 626(h) (including, but not limited to any needs assessment(s) and/or past performance review(s) associated therewith), to the maximum extent permitted by the Franchise and applicable laws, ordinances, regulations, and resolutions, to gather such other information from other persons or sources as may be deemed necessary and/or appropriate, to issue notices of violation to Comcast, to prepare reports and other documents related to the formal and informal Franchise renewal processes, to evaluate formal and informal Franchise proposals submitted by Comcast and to make recommendations to the City Council, and to take such further steps as may be needed or desired to assess Comcast's financial, technical and legal qualifications and to ensure the City's and the public's cable-related needs and interests are satisfied and fully protected consistent with applicable law.

Section 7. Nothing in this Resolution shall be construed to limit the powers of the City under the Franchise and applicable laws, ordinances, regulations, orders, decisions and resolutions, or to otherwise waive or limit the City's authority, rights, remedies and defenses under the Franchise and all applicable laws, ordinances, regulations, orders, decisions and resolutions. The City expressly reserves all of its rights, remedies and defenses with respect to determining whether or not to renew the Franchise, to the full extent permitted by law.

Section 8. The City Manager, the City Attorney, the Assistant City Manager, the CTN Production Manager and/or their designee(s) shall keep the City Council fully apprised of the status and progress of the formal and informal renewal processes, as appropriate.

Section 9. This Resolution shall become effective immediately upon adoption.

Adopted this 7<sup>th</sup> day of May, 2013.

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Tim Howe, Mayor

ATTEST:

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Catherine M. Sorensen, City Clerk

